

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KATHY A. DAVIS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

CASE NO. 12-cv-05415 JRC

ORDER GRANTING STIPULATED
MOTION FOR REMAND

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13. (*See also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, ECF No. 5; Consent to Proceed Before a United States Magistrate Judge, ECF No. 6.) This matter is before the Court on defendant's stipulated motion to remand the matter to the Commissioner for further consideration. (ECF No. 23.)

After reviewing defendant's stipulated motion and the relevant record, the Court grants defendant's motion, and orders that this matter be REVERSED and REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) to the Commissioner of Social Security for further

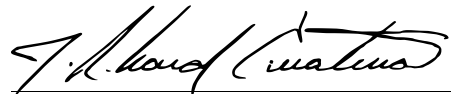
1 administrative proceedings before an administrative law judge (ALJ), a new hearing, and a new
2 decision. On remand, the ALJ shall: 1) update the record and receive any additional evidence
3 Plaintiff wishes to submit; 2) give further consideration to the medical opinion evidence from
4 Robert E. Schneider, Ph.D. and Anita Peterson, Ph.D., and re-contact Dr. Schneider for
5 clarification if necessary; 3) give further consideration to Plaintiff's mental impairments and
6 whether or not the requirements of any listed impairments are met or equaled; 4) re-determine
7 Plaintiff's residual functional capacity; and 5) continue with the remaining steps of the sequential
8 disability evaluation process, obtaining supplemental vocational expert evidence, if necessary,
9 that is consistent with the *Dictionary of Occupational Titles* or that provides an explanation for
10 the deviation.

11 Given the facts and the parties' stipulation, the Court hereby orders that the case be
12 **REVERSED** and **REMANDED** to the Commissioner for further proceedings pursuant to
13 sentence four of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

14 Plaintiff may be entitled to reasonable attorney's fees and costs pursuant to the Equal
15 Access to Justice Act, 28 U.S.C. § 2412(d), following proper request to this Court.

16 Judgment is for Plaintiff and the file shall be closed.

17 Dated this 3rd day of January, 2013.

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20 J. Richard Creatura
21 United States Magistrate Judge
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